REMARKS

Claims 10-11 remain pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

The notice indicates that the reply filed on May 16, 2005 is not fully responsive because the Applicant failed to present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. Although Applicant does not necessarily agree, Applicant supplements its reply with the following remarks.

Applicant respectfully asserts that rejection of the claims was based on the (mis)understanding that claims 1-9 were directed to a virtual private network (VPN) connection procedure by a PPP server in a dedicated private network service. This misunderstanding (i.e., that the present invention is directed to VPN) may have been due to the fact that the original title and claims prominently used this term.

The present invention, however, is not directed to a VPN connection procedure. Rather, the present invention is directed to a method for constructing a private network using a co-location scheme of dispersed IDCs. More specifically, the present invention relates to a network configuration for performing a back-up operation such as an automatic fallover when an error in a single IDC causes a failure in collectively operating a plurality of private IP networks connecting a plurality of dispersed IDCs. To clarify this aspect of the invention in the claims, Applicant canceled original claims 1-9 and added claims 10 and 11.

The rejection of claims 1-9 was based on an assertion that Rao teaches a pack filtering function of a Layer 4, switch implementing policy based on routing, by Boudreau in respect of a load balancing function of a network switch and security in VPN, etc. The present invention, however, refers to a network configuration comprising network elements such as an L4 switch and a switching hub. None of the cited references teach or suggest this network configuration.

More specifically, the switching hub of claim 10 isolates a private network from a public network and connects the two networks, and the L4 switch of claim 10 performs load balancing of the customer server. In contrast, Rao, Hurren, Giniger and Boudreau are directed to VPN. It is respectfully submitted that claims 10 and 11 define over the subject matter of Rao, Hurren, Boudreau and Giniger.

In view of the foregoing, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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